

**Department of Agriculture  
Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10:00 a.m. Wednesday, December 19, 2007, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed Feed, Seed and Weights and Measures regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at [lgarner@kda.state.ks.us](mailto:lgarner@kda.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

Summary of Feed regulations:

**K.A.R. 4-3-47** – The proposal updates references to the current edition of the Association of American Feed Control Officials, which is adopted by reference.

**K.A.R. 4-3-49** – The proposal updates references to Parts 225 and 226 of title 21 of the Code of Federal Regulations. Title 21 was updated, which is adopted by reference.

**K.A.R. 4-3-51** – The proposal update references to Part 589 of title 21 of the Code of Federal Regulations. Title 21 was updated, which is adopted by reference.

There is no anticipated economic impact on other Government Agencies and upon private business or individuals.

Summary of Seed regulations:

**K.A.R. 4-2-8** – The proposal update references to the current edition of the Rules for Testing Seeds published by the Association of Official Seed Analysts, which is adopted by reference.

**K.A.R. 4-2-20** – The proposal update references to the current title 7 the Code of Federal Regulations, which is adopted by reference.

There is no anticipated economic impact on other Government Agencies and upon private business or individuals.

Summary of Weights and Measures regulations:

**K.A.R. 99-25-1** – The proposal update references to the 2007 edition of the National Institute of Standards and Technology Handbook 44, which is adopted by reference.

**K.A.R. 99-25-9** – The proposal update references to the 2006 edition of the National Institute of Standards and Technology Handbook 130, which is adopted by reference.

**K.A.R. 99-25-11** – The proposal further defines motor fuels such as biodiesel, biodiesel blends

and ethanol blends.

There is no anticipated economic impact on other Government Agencies and upon private business or individuals.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9<sup>th</sup> St., 4<sup>th</sup> Floor, Topeka, KS 66612 or (785) 296-4623 or by accessing the department's Web site at <http://www.ksda.gov>. Comments may also be made through our website under the proposed regulation.

Adrian J. Polansky  
Secretary of Agriculture

**KANSAS DEPARTMENT OF AGRICULTURE  
ECONOMIC IMPACT STATEMENT**

**Proposed new and amended regulations:  
4-2-8; 4-2-20**

**Summary of the proposals and what is to be accomplished by its adoption.**

**K.A.R. 4-2-8** – The proposal update references to the current edition of the Rules for Seed Testing – Association of Official Seed Analysts current edition, which is adopted by reference.

**K.A.R. 4-2-20** – The proposal update references to the current title 7 the Code of Federal Regulations, which is adopted by reference.

**This proposal is not mandated by federal law as a requirement for participating in a federally subsidized or assisted program.**

**This proposal conforms to Kansas Law regarding rules and regulations to be adopted by the Secretary of Agriculture.**

**The financial impact of the adoption of the proposed amendments for the Kansas Department of Agriculture**

No direct or indirect costs to the agency.

**The financial impact of the adoption of the proposed amendments for other governmental agencies or units.**

No direct or indirect costs to other governmental agencies or units are anticipated.

**The financial impact of the adoption of the proposal on regulated entities.**

No direct or indirect costs to regulated entities are anticipated.

**The financial impact of the adoption of the proposed regulations for private citizens including consumers of the products or services that are subject to the regulations or their enforcement**

No direct or indirect costs to private citizens are anticipated.

**Less costly or less intrusive methods considered by the Kansas Department of Agriculture.**

No other methods were considered by the Kansas Department of Agriculture for achieving the stated purpose of these changes.

**Anticipated impact on cities, counties or school districts.**

These changes will not increase or decrease revenues of cities, counties or school districts. It does not impose functions or responsibilities on cities, counties or school districts.

**K.A.R. 4-2-8. Methods of analyses.** (a) Subject to the provisions of subsection (c) of this regulation, the methods of analysis shall be those published by the association of official seed analysts in the following sections of "rules for Seed Testing Association of Official Seed Analysts testing seeds," October 1993 edition excluding the appendices, dated October 1, 2006 and adopted by reference:

- (1) Section 2, analysis of the seed;
- (2) section 3, examinations;
- (3) section 4, germination tests; and
- (4) section 5, tolerances.

Copies of the ~~pertinent portions of the~~ material adopted by reference may be obtained from the office of the agricultural commodity assurance program, inspections division, of the Kansas ~~state board~~ department of agriculture.

(b) For the purpose of this regulation, the term "noxious-weed seed" used in the material adopted by reference in subsection (a) of this regulation shall mean "restricted weed seed" as defined in K.S.A. 2-1415(k) and amendments thereto.

(c) The following restrictions shall apply in addition to tolerances for the testing of seed found in section 5 of the material adopted by reference in subsection (a) of this regulation:

(1) Restricted weed seed tolerances shall not exceed the limitations set forth in K.S.A. 2-1415(k) and amendments thereto; ~~and,~~

(2) ~~Any~~ No tolerance shall ~~not~~ be applied to any seed component ~~which~~ that is guaranteed as "none" on the label. (Authorized by K.S.A. 2006 Supp. 2-1427; implementing K.S.A. 2-1423; effective Jan. 1, 1966; amended May 1, 1983; amended Jan. 1, 1989; amended Dec. 12, 1994; amended P-\_\_\_\_\_.)

**K.A.R. 4-2-20. Adoption by reference.** The following sections of ~~title 7 of the code of federal regulations~~ 7 C.F.R. part 201, ~~as revised as of January 1, 1994~~ on January 1, 2007, are hereby adopted by reference:

- (a) ~~all of section~~ 201.39;
- (b) ~~all of section~~ 201.40;
- (c) ~~all of section~~ 201.41;
- (d) ~~all of section~~ 201.42; and
- (e) ~~all of section~~ 201.43.

(Authorized by K.S.A. 2006 Supp. 2-1427; implementing K.S.A. 2-1423; effective Dec. 12, 1994; amended P-\_\_\_\_\_.)